

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63478 of 2021

Arising Out of PS. Case No.-595 Year-2021 Thana- DANAPUR District- Patna

RAHUL KUMAR Son of Amarnath Rai Resident of Village- Haldi Chhapra,
Badal Tola, Ward No. 14, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard the parties through video conferencing.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 30.08.2021, seeks regular bail in connection with Special Case No. 5325 of 2021 arising out of Danapur P.S. Case No. 595 of 2021 registered for offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery is of 150 litres of country-made liquor. Petitioner is named in the F.I.R.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner rather the alleged liquor was kept on a motorcycle. Petitioner has clean antecedent and he is in custody since



30.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, the Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 200,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Excise Act at Patna in connection with Special Case No. 5325 of 2021 arising out of Danapur P.S. Case No. 595 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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